



UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

TAKASHA LATRELL RILEY

Case No. 1:18cv430

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☒ Yes ☐ No

WINSTON SALEM STATE UNIVERSITY C/O THE
UNIVERSITY OF NORTH CAROLINA SYSTEM
OFFICE

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	TAKASHA LATRELL RILEY
Street Address	7206 STAFFORD COUNTRY LANE
City and County	KERNERSVILLE, FORSYTH
State and Zip Code	NORTH CAROLINA 27284
Telephone Number	336-817-6040
E-mail Address	TLRAILEY@GMAIL.COM

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	WINSTON SALEM STATE UNIVERSITY
Job or Title <i>(if known)</i>	
Street Address	601 S. MARTIN LUTHER KING JR. DRIVE
City and County	WINSTON SALEM, FORSYTH CO.
State and Zip Code	NORTH CAROLINA 27110
Telephone Number	(336) 750-3835
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	UNIVERSITY OF NORTH CAROLINA SYSTEM OFFICE
Job or Title <i>(if known)</i>	
Street Address	910 RALEIGH STREET / P.O. BOX 2688
City and County	CHAPEL HILL, CHATHAM CO.
State and Zip Code	NORTH CAROLINA 27110
Telephone Number	(919) 962-1000
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	WINSTON SALEM STATE UNIVERSITY
Street Address	601 S. MARTIN LUTHER KING JR. DRIVE
City and County	WINSTON SALEM, FORSYTH CO.
State and Zip Code	NORTH CAROLINA, 27110
Telephone Number	(336) 750-2835

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law *(specify the federal law)*:



Relevant state law *(specify, if known)*:



Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☒ Failure to promote me.
- ☒ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
ON OR BEFORE 4/19/2017 THROUGH 4/5/2018

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race AFRICAN-AMERICAN
- ☒ color BLACK
- ☒ gender/sex FEMALE
- ☐ religion _____
- ☐ national origin _____
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☒ disability or perceived disability *(specify disability)*
COMBAT ZONE RELATED

E. The facts of my case are as follows. Attach additional pages if needed.

A FACULTY GRIEVANCE RELATED TO PAY WAS FILED DECEMBER 2015. MADE AN INTERNAL INQUIRY CONCERNING FACULTY GRIEVANCE PROCESS IRREGULARITIES DECEMBER 2016. MEDIATION OF FACULTY GRIEVANCE TOOK PLACE FEB/MAR 2017. FILED ADA ACCOMODATIONS AFTER GRIEVANCE PROCESS WAS COMPLETE IN MARCH 2017. RETALIATION BEGAN MARCH 2017 UNTIL PRESENT. FILED INTERNAL EEOC CHARGES APRIL 21, 2017. FILED TWO EXTERNAL EEOC CHARGES. RETALIATION CONTINUED. ADA ACCOMODATIONS WERE NOT MET. RECEIVED COMMUNICATION OF EMPLOYMENT DISCHARGE ON APRIL 5, 2018 STATING THAT MY LAST DAY WILL BE MAY 31, 2018.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)* 05/12/2017

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☐

issued a Notice of Right to Sue letter, which I received on *(date)* 02/24/2018

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

-REINSTATEMENT OF FACULTY POSITION
-ADA ACCOMODATIONS
-ORDER FOR WSSU TO ABIDE BY THE MEDIATION AGREEMENT RELATED TO PAY DISCREPANCY TO INCLUDE SALARY ADJUSTMENTS/INCREASES, INTEREST, BACKPAY
-MAXIMUM PENALTIES AND MONETARY DAMAGES FOR EACH UNLAWFUL ACTION ACCORDING TO THE LAW
- \$500,000 FOR PUNITIVE DAMAGES THAT HAS CAUSED MY ABILITY TO WORK AT CAPACITY TO BE AFFECTED.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 05/21/2018

Signature of Plaintiff

Printed Name of Plaintiff TAKASHA LATRELL RAILEY

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Greensboro Local Office

2303 West Meadowview Road, Suite 201
Greensboro, NC 27407
Intake Information Group: (800) 669-4000
Intake Information Group TTY: (800) 669-6820
Greensboro Status Line: (866) 408-8075
Direct Dial: (336) 547-4019
TTY (336) 547-4035
FAX (336) 547-4032
Website: www.eeoc.gov

February 20, 2018

Ms. Takasha Railey
7206 Stafford Country Lane
Kernersville, NC 27284

Re: Takasha Railey v. Winson Salem State University
EEOC Charge No.: 435-2017-00503

Dear Ms. Railey:

The processing of your charge of employment discrimination in the above referenced matter has been completed. The Equal Employment Opportunity Commission (EEOC) is dismissing your charge and is issuing to you a Notice of Right to Sue.

In your charge of discrimination, you allege you were subjected to unlawful discrimination based on your race (Black/African American) and sex (Female), in violation of Title VII of the Civil Rights Act of 1964, as amended and denied equal wages in violation of the Equal Pay Act of 1963, as amended. You also allege you were denied a reasonable accommodation based on your medical condition in violation of the Americans with Disabilities Act of 1990, as amended.

The evidence you provided is insufficient to show Winston Salem State University (respondent), subjected you to unlawful discrimination. Specifically, the evidence does not show your race, sex, or medical condition was a factor in any employment action by Respondent, nor was there evidence of a discriminatory bias towards you with regard to your race, sex, or medical condition. The evidence does not show you were paid at a lower rate of pay than your White male counterpart or denied a reasonable accommodation based your medical condition.

In view of these facts, it is unlikely that further investigation of your charge will result in a finding that a violation of the law(s) under which you filed your charge has occurred. For that reason, we have dismissed your charge and closed your file.

Enclosed you will find a Dismissal Notice of Right to Sue and an Information Sheet which describes your right to pursue the matter in court by filing a lawsuit within 90 days of your receipt of the dismissal notice. This 90-day period for filing a private lawsuit cannot be waived, extended or restored by EEOC.

I regret that we cannot be of further assistance to you in this matter.

Sincerely,

A handwritten signature in cursive script, reading "Patricia Phelps", is written over the typed name.

Patricia Phelps
Federal Investigator

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Takasha L. Railey**
7206 Stafford Country Lane
Kernersville, NC 27284

From: **Greensboro Local Office**
2303 West Meadowview Rd
Suite 201
Greensboro, NC 27407



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

435-2017-00503

Patricia Phelps,
Investigator

(336) 547-4064

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Patricia Phelps

Enclosures(s)

Investigator delegated for: **Arlene M. Glover,**
Local Office Director

2/20/18

(Date Mailed)

cc:

Ivey L. Brown, Jr.
Chief Legal Counsel
Winston-Salem State University
125 Blair Hall
601 S. Martin Luther King Jr. Dr.
Winston Salem, NC 27110